

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOHN LERCH,

Plaintiff,

v.

Case No. 06-C-454

CITY OF GREEN BAY, et al,

Defendants.

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**ORDER DENYING SECOND REQUEST FOR SUBPOENA**

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Pro se Plaintiff John L. Lerch, filed a “Second Request for a Subpoena in a Civil Case”. The subpoena seeks tapes of a special report aired by WFRV TV Channel 5 in May 2001 concerning housing inspections within the City of Green Bay. An earlier request for such a subpoena was denied in this Court’s order of June 11, 2007, because plaintiff failed to indicate what, if any, steps he had taken to obtain the information without resort to a subpoena and further, the deadline for discovery had expired more than two months ago. More importantly, Plaintiff has offered no explanation as to why such information might be relevant to his claim against the City. He fails to provide any indication that anything said by any representative of the Inspection Department in the course of the broadcast more than six years ago has anything to do with his case. His request merely states that a housing inspector and a supervisor for the Inspection Department “made comments” on the way citations were handled and the procedure for issuance. Absent some showing as to relevance when a pro se litigant requests a subpoena, granting Plaintiff’s request risks placing unnecessary burdens upon non-parties. In this case, for example, ordering a local television station

to produce tapes of broadcasts aired more than six years ago without any explanation as to what might be on the tapes that is relevant to this case, whether such information is even available at this point in time, and what the cost of retrieving it might be, runs the risk of forcing the station to needlessly undertake a burdensome task at substantial expense. *See McNeil v. Lowney*, 831 F.2d 1368, 1373-74 (7th Cir. 1987) (holding that district court did not abuse discretion in denying request for issuance of subpoena where witnesses plaintiff sought to subpoena were not sole source of information he claimed was critical to his case).

In sum, Plaintiff has offered no reason why the court should reconsider its previous decision. Accordingly, the request is **DENIED**.

**SO ORDERED** this 6th day of July, 2007.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge